IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

OP.No. 3800 of 2000(B)

PETITIONERS:
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1. **CHOYAMBU, S/O. AMBADI, AGED 54 YEARS,**
   KANNIPPARA, MADIKAI.P.O.,
   KASARAGODE DISTRICT.

2. **KUNHAMMAR.K., W/O. LATE PULIKKODAN KANNAN,**
   PULIKKODAN VEEDU,
   MEKKATT, MADIKAI.P.O.,
   KASARAGODE DISTRICT.

BY ADV. SRI.M.RAMESH CHANDER.

RESPONDENTS:
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1. **DISTRICT COLLECTOR,**
   KASARAGODE.

2. **TAHSILDAR, HOSDURG.**

<u>*ADDL. RESPONDENTS 3 TO 5 IMPLEADED:</u>

*3. **NARAYANA GOWDA,**
   S/O. KARIYAPPA GOWDA,
   TADUPPAPARA, KALLAPALLY,
   PANATHADY VILLAGE,
   HOSDURG TALUK,
   KASARAGOD DISTRICT.

*4. **KRISHNA NAIK,**
   S/O. RAMANNA NAIK,
   PANATHADY VILLAGE,
   HOSDURG TALUK, KASARAGOD DISTRICT.

O.P. NO. 3800/2000:

***5. JANARDANA,**
S/O. KRISHNAPPA GOWDA,
PANATHADY VILLAGE,
HOSDURG TALUK,
KASARAGOD DISTRICT.

***IMPLEADED AS PER ORDER DATED 28/03/2000 IN C.M.P. NO. 15403/2000.**

BY ADV. SRI.M.SASINDRAN,
GOVERNMENT PLEADER SRI. K.U. MANOJKUMAR.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/06/2007, ALONG WITH O.P. NO. 7422/2000, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 6258/2000 IN O.P. NO. 3800/2000

DISMISSED

20/06/2007. **SD/- KURIAN JOSEPH, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PROCEEDINGS OF THE TAHSILDAR, HOSDURG DTD. 26/02/1966.

EXT.P.2: COPY OF THE COMMUNICATION SENT BY THE TAHSILDAR, HOSDURG DTD. 28/02/1967.

EXT.P.3: COPY OF THE PROVISIONAL PATTA DTD. 26/03/1966.

EXT.P.4: COPY OF THE REPRESENTATION TO THE R.2. DTD. 06/01/2000.

EXT.P.5: COPY OF THE REPRESENTATION TO THE R.2. DTD. 06/01/2000.

RESPONDENT'S EXHIBITS:

EXT.R3.A: COPY OF THE PROCEEDINGS OF THE R.1. INVITING APPLICATIONS FOR ASSIGNMENT OF LAND IN RE. SY. NO. 343/2A AND 351 OF PANATHADY VILLAGE.

EXT.R3.B: COPY OF THE PROVISIONAL PATTA ISSUED TO MYSELF AND ADDITIONAL RESPONDENTS 4 AND 5 IN SY. NOS. 343/2A AND 351 OF PANATHADY VILLAGE.

EXT.R3.C: COPY OF THE PROVISIONAL PATTA ISSUED TO MYSELF AND ADDITIONAL RESPONDENTS 4 AND 5 IN SY. NOS. 343/2A AND 351 OF PANATHADY VILLAGE.

EXT.R3.D: COPY OF THE PROVISIONAL PATTA ISSUED TO MYSELF AND ADDITIONAL RESPONDENTS 4 AND 5 IN SY. NOS. 343/2A AND 351 OF PANATHADY VILLAGE.

EXT.R3.E: COPY OF THE RECEIPT ISSUED TO MYSELF AND ADDITIONAL RESPONDENTS 4TH AND 5TH FROM VILLAGE OFFICE, PANATHADY.

EXT.R3.F: COPY OF THE RECEIPT ISSUED TO MYSELF AND ADDITIONAL RESPONDENTS 4TH AND 5TH FROM VILLAGE OFFICE PANATHADY.

O.P. NO. 3800/2000:

EXT.R3.G: COPY OF THE RECEIPT ISSUED TO MYSELF AND ADDITIONAL RESPONDENTS 4TH AND 5TH FROM VILLAGE OFFICE, PANATHADY.

EXT.R3.H: COPY OF THE G.O. (MS) NO. 518/87/RD DTD. 30/07/1987 ISSUED BY THE GOVERNMENT OF KERALA CANCELLING THE ASSIGNMENT OF 293.26 ACRES OF FOREST LAND IN SY. NO. 343/2 AND 351 OF PANATHADY VILLAGE.

//TRUE COPY//

prv.

KURIAN JOSEPH J.

O.P. Nos.3800 & 7422 OF 2000

Dated 20th June, 2007.

J U D G M E N T

Petitioners approached this Court with certain grievances regarding assignment of land. Since the prayers are identical, the prayers in O.P.7422/2000 are incorporated, which read as follows :-

> (i) "Issue a writ of prohibition restraining or forbearing the respondents from dispossessing the petitioner from the property in R.S.No.343/12 of Panathady Village.
>
> (ii) Issue a writ of mandamus directing or compelling the respondents to grant right title and interest with respect to the properties mentioned in RS 343/12 of Hosdurg Taluk, Panathady Village."

Going by the stand taken in the statement filed on behalf of the second respondent, the assignment made had already been cancelled in 1987. But, according to the petitioners, they are still in possession of part of the land. In view of the stand thus taken in the statement, it is only appropriate that the petitioners approach the Government, so that the entire disputes can be given a quietus. Accordingly, the writ petitions are disposed of as

follows :-

In the event of the petitioners approaching the Government in the Revenue Department within a period of two months from today, the matter will be duly considered by the said authority with notice to the petitioners and appropriate orders in accordance with law will be passed within another four months.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. Nos.3800 & 7422 OF 2000

J U D G M E N T

Dated 20th June, 2007.